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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,427	03/26/2004	Eric Hamilton	18602-08744 (P3257US1)	2639
61520	7590	07/14/2009	EXAMINER	
APPLE/FENWICK			RAO, ANAND SHASHIKANT	
SILICON VALLEY CENTER				
801 CALIFORNIA STREET			ART UNIT	PAPER NUMBER
MOUNTAIN VIEW, CA 94041			2621	
			MAIL DATE	DELIVERY MODE
			07/14/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/811,427	HAMILTON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andy S. Rao	2621	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Andy S. Rao. (3) Daniel Brownstone (#46,581).  
 (2) Helen Li (#62,962). (4) \_\_\_\_\_.

Date of Interview: 08 July 2009.

Type: a) Telephonic b) Video Conference  
 c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
 If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: \_\_\_\_\_.

Identification of prior art discussed: US Patent: 6,654,417 to Hui (hereinafter referred to as "Hui"), US Patent 6,763,067 to Hurst (hereinafter referred to as "Hurst"), and US Patent 6,668,088 to Werner et al., (hereinafter referred to as "Werner").

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/Andy S. Rao/ Primary Examiner, Art Unit 2621	
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## **Summary of Record of Interview Requirements**

### **Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record**

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### **Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)**

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### **Examiner to Check for Accuracy**

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: After summarizing the salient features of the invention as recited in claim 1, Applicant's representatives proceeded to present the arguments against the combination at the heart of the rejection, and in particular, against the tertiary Werner reference. After providing Applicant's analysis of the Werner reference, Applicant's representative put forth the primary argument that Werner fails to address the "determining a quant with which to encode the frame, a base quant envelope and a base quant envelope control associated..." as in the claim. The Examiner respectfully disagreed. The Examiner pointed out his reasoning concerning the limitation of a base quant envelope to mean a finite set of quantization step sizes which is less than the full range of available values (i.e. an envelope of values), and with this interpretation, the Examiner pointed out that Werner's generation of a lambda parameter to generate a "truncated" set of quant values in Werner read on the claimed feature. Secondly, the Applicant's argued that Werner fails to disclose having the application of the base quant envelope control being dependent upon the type of frame, noting that Werner discloses only quantization with regards to "intra" frames only (Werner: column 4, lines 1-20). The Examiner flatly disagreed, noting that while the teaching was shown to applicable with in an "intra" coding, the Examiner noted that the reference discloses being clearly adapted to encompassing transcoding (i.e. quantization) according to I, P, and B frames (Werner: column 14, lines 35-50), which given the recent guidelines established by the KSR decision, would be sufficient to address the limitation. Lastly, the Applicant's argued that Werner is devoid of any teaching relating to a "buffer fullness" variable. The Examiner noted that Werner was a tertiary reference, and the use of "buffer fullness" parameters was met by the primary Hui and secondary Hurst references, which disclose quantization step size allocation in accordance with a detected buffer fullness parameter such as a VBV model. No agreement of the issues was met. The Examiner noted, however, that in presenting the arguments of the interview agenda, that the combination of record did not address the features of dependent claims 2, 17, 25, and 33, which specify base quant envelope control on a "GOP" basis and therefore, if the features of those claims were brought up into the independent claims 1, 16, 24, and 32, the application would be placed in a favorable condition for allowance. The Applicant's acknowledged Examiner's indication of allowable subject matter but reserved the right to further advance the arguments of the interview agenda in the forthcoming formal response. The Examiner agreed to further consider said arguments .